

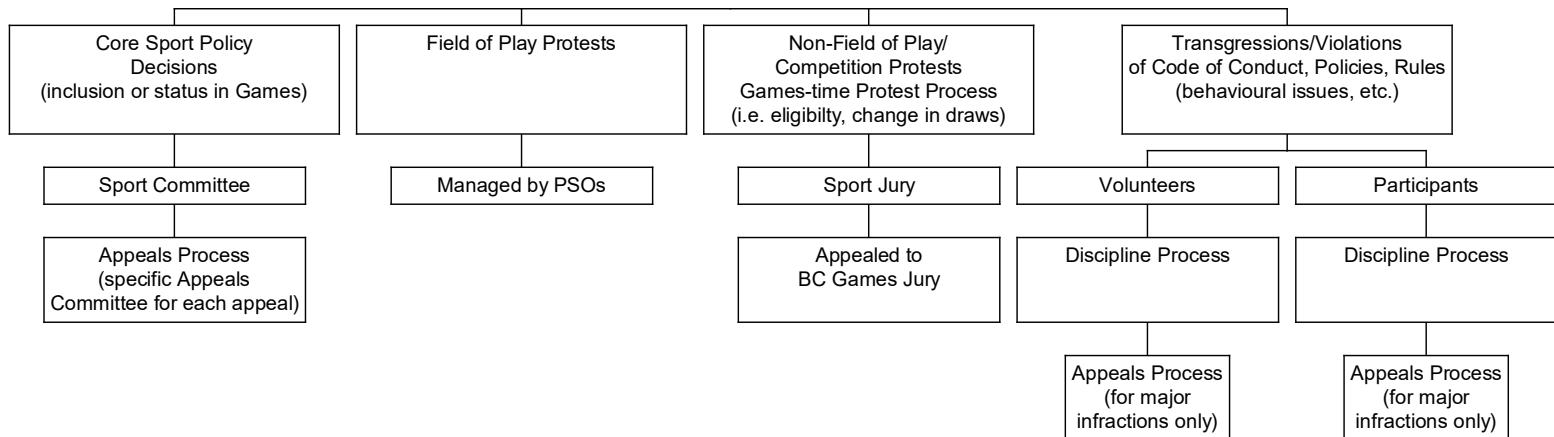
## BC Games Appeals Procedures

The Board of Directors will grant authority to the Appeals Committee to act on its behalf, to determine appeals. The BC Games Appeals Procedures outlines the processes for appealing:

- Removal or exclusion of a sport from the Games
- Decisions by a Discipline Committee in a violation of the Safeguarding Policy or the Code of Conduct

All appeals will work within the details outlined in *Section 1: General – All Appeals* of this document, as well as within any specific information outlined in the appropriate section for the type of appeal.

As outlined below, not all situations are managed by the BC Games Society and not all processes may proceed to an appeal. This Appeals Procedures does not apply to any decisions of the BC Games Society not specified in this document.



### **Section 1: General – All Appeals**

It is the duty of the Appeals Committee to make recommendations to the BC Games Society Board of Directors on appeals submitted in accordance with society bylaws and the procedures outlined in this document.

#### Principles

- While the right to make an appeal is inherent, not all decisions may be appealed, as outlined above.
- Because all members, participants, organizations, partners, and applicants desire the BC Games Society to be a fully self-governing organization, they accept decisions on appeals made by the Board of Directors as final and binding.

#### Appeals Committee Composition

- The Appeals Committee will be composed of three (3) members.
- All Appeals Committee members, including the Chair, will be selected from a list of individuals compiled by the BC Games Society. Individuals will be working or volunteering in, or connected to, the BC sport system. The BC Games Society may look to other agencies (i.e. Sport BC, viaSport, etc.) for assistance or recommendations in compiling the list of individuals to include as potential Appeals Committee members.

- The BC Games Society will appoint the Chair of the Appeals Committee, as well as one member of the Committee from the compiled list.
- The appellant will select one member of the Appeals Committee from the compiled list.
- Appeals Committee members will not have any direct involvement with the appellant or the sport involved in the appeal and will not be members of the BC Games Society Board of Directors, one of its active host communities, or BC Games Society staff.
- A different Appeals Committee will be appointed for each appeal; however, an individual may be appointed to more than one Appeals Committee as long as the conditions outlined in this section are met.

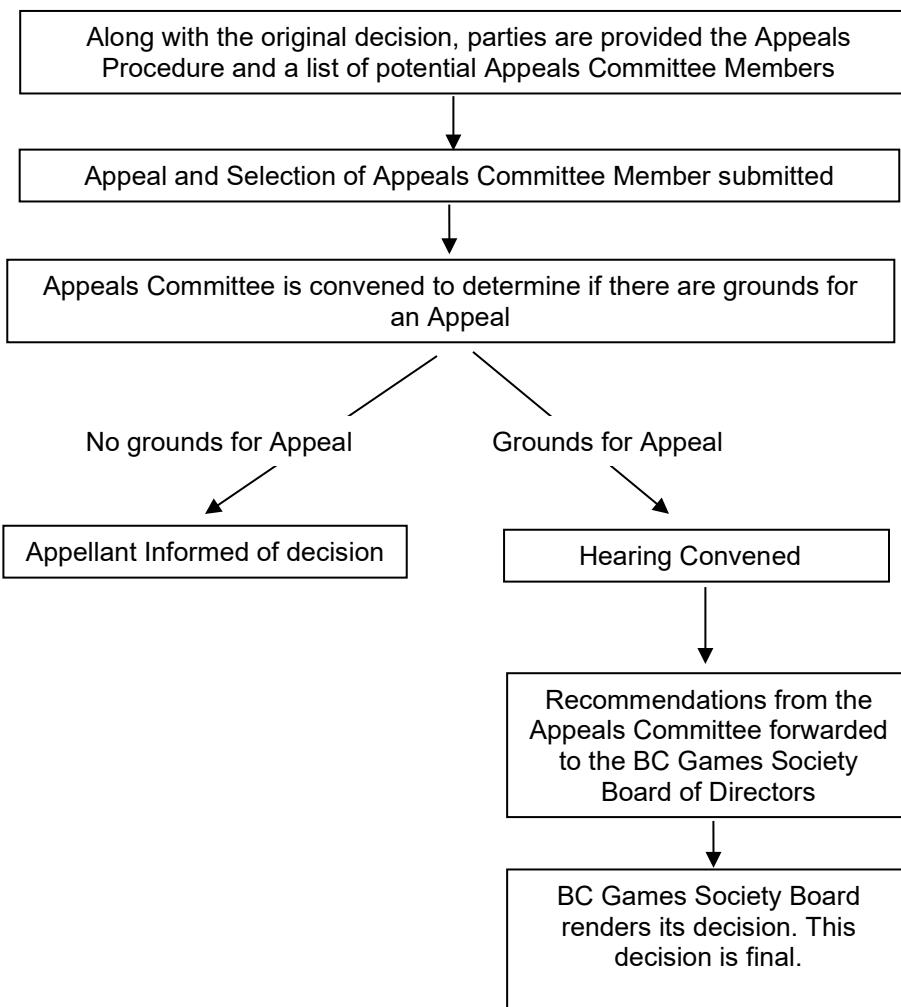
#### Appeals Committee Chair

- Will only vote on the appeal in the event of a tie amongst the other Appeals Committee members.
- The primary responsibilities of the Appeals Committee Chair are to:
  - Report to the BC Games Society Board;
  - Keep order of meetings of the Appeals Committee and any hearings held;
  - Record the outcomes of the Appeals Committee's work and discussion;
  - Report the recommendations of the Appeals Committee on the appeal to the BC Games Society Board; and
  - Ensure procedural fairness is respected at all times during the appeals process and that the appeal is carried out in a timely manner.

#### Process

- The decision is rendered and forwarded to the parties along with the Appeals Procedures document and a list of individuals from which to select one Appeals Committee Member.
- The appellant submits an appeal in writing to the BC Games Society.
- The request for appeal must include the rationale for the appeal which addresses how one or more of the grounds for appeal (outlined in the appropriate section of this document) have been met.
- Written requests for an appeal must be received by the BC Games Society by the established deadline (see timeline) or within five (5) business days of the decision, whichever is greater.
- Along with the request for an appeal, the appellant is asked to name one person to the Appeals Committee and an alternate, from the list provided.
- The Appeals Committee will review the request and rationale for the appeal to determine if an appeal is justified. A meeting will be held for this decision to be made.
  - If the Appeals Committee determines that there are not sufficient grounds for the appeal, they will dismiss the appeal and notify the BC Games Society Board of Directors and the parties to the appeal of its decision in writing.
  - If the Appeals Committee determines that there are sufficient grounds for the appeal, it will conduct a hearing with respect to the appeal.
- If the appeal proceeds to a hearing, the Chair of the Appeals Committee will establish a list of possible hearing dates in conjunction with the Appeals Committee members.
  - The Appeals Committee will conduct all hearings in the manner in which it sees fit, including but not limited to written presentations, teleconferences, video conference, or face-to-face meetings (appellant costs associated with face-to-face meetings are at the expense of the appellant), or a combination of these. The meeting to consider the appeal will be called a hearing regardless of how it is conducted.
  - The hearing is intended to provide an opportunity for the appellant and other parties to the appeal to present submissions as to the grounds of the appeal.
  - The hearing may be recorded by the Appeals Committee and if so, the recording will be kept for safekeeping by the BC Games Society for as long as other documentation relating to the appeal are kept. Subsequently, parties to the appeal may have supervised access to the recordings by application to the BC Games Society.

- The Appeals Committee, by majority vote of its members, may make other rules concerning the procedures of a hearing that it deems appropriate, as long as they are consistent with this policy. Such rules will be documented and provided in writing with the hearing details and the report and recommendations.
- The appellant is notified of the hearing date and the process for the appeals.
- If the appellant is expected to attend a hearing, notification of the date, time, and location will be provided at least five (5) business days prior to the hearing.
- The Appeals hearing is conducted.
- The Chair of the Appeals Committee provides a written report, with recommendations from the Appeals Committee, to the BC Games Society Board within 5 days of the appeal hearing or in the case of more than one hearing, after the final hearing.
  - In extraordinary circumstances, the Appeals Committee may issue a verbal decision or a summary written decision, with full written reasons to follow.
- The BC Games Society Board of Directors receives the recommendations from the Appeals Committee and within fifteen (15) business days will render a decision on the action to be taken.
  - The Board may follow all, some, or none of the recommendations of the Appeals Committee. If all of the recommendations of the Appeals Committee are not supported or if additional actions are taken, the Board will provide rationale for its decision.
- The appellant is notified of the outcome of the Appeal.
- The decision of the Board of Directors is final.
- After completion of its duties, the Appeals Committee will turn over all copies of all materials relating to the appeal to the BC Games Society to be destroyed.



## Internal Timeline

- The list of potential Appeals Committee members to be established at the commencement of the original process (when a code of conduct or safeguarding violation is reported or when sports are being notified of Core Sport decisions that are appealable).
- The BC Games Society will select the Chair and one Appeals Committee member from the list.
- When the Appeals Procedures is provided to the parties, they will also be provided with:
  - The name and bio of the Chair and the Appeals Committee member selected by the BC Games Society Board of Directors.
  - The list (name and bio) of potential Appeals Committee members from which the appellant selects one individual to sit on the Appeals Committee.

## **Section 2: Core Sport Appeals**

### Conditions of Appeal

Appeals will be permitted in the following circumstances:

- for new sports applying for inclusion in the BC Games that have not been granted inclusion in the Games
- for sports being removed from the Games

Appeals will not be permitted in the following circumstances:

- for sports being moved to conditional core sport status
- sports in the Games asking for changes

### Grounds for Appeal

An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds for an appeal are restricted to the following:

- The decision is in conflict with the BC Games Core Sport policy for inclusion in the Games;
- The decision was made as a result of a procedural error; and/or
- The conditions identified for removal or exclusion from the Games are false.

### Core Sport Appeals Process

In addition to the process outlined in the *General – All Appeals* section, in the case of Core Sport Appeals, the following apply:

- The BC Games Core Sport Policy is the policy document upon which inclusion in the BC Games is based.

### Recommendations from Appeals Committee

The Appeals Committee may make the following recommendations as a result of an Appeal:

- dismiss the Appeal and confirm the decision of the Sport Committee; and/or
- uphold the appeal and make recommendations for inclusion in the Games; and/or
- uphold the appeal and refer the matter back to the Sport Committee for a new decision, which may include the request of additional information from staff; and/or
- uphold the appeal and vary the decision but only where it is found that an error occurred and such error cannot be corrected by the Sport Committee for reasons of lack of clear procedure, lack of time, or lack of neutrality.

In the case of recommendations c or d above, and if the BC Games Society Board supports the recommendation, after the specified action is taken, the matter will be referred back to the BC Games Society Board for a final decision.

Refer to the Core Sport Timeline for the current Games for specific appeals timelines and deadlines.

### **Section 3: Appeals of Sanction(s) from a Discipline Committee**

This section outlines the process for appealing a decision of a Discipline Committee convened for major infractions/transgression as outlined in the Discipline Procedure.

#### Grounds for Appeal

An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds for an appeal are restricted to the following:

- the BC Games Society failed to uphold the Safeguarding Policy;
- the Discipline Committee decision was influenced by bias;
- the Discipline Committee considered irrelevant evidence, or failed to consider relevant evidence in making its decision; and/or
- the Discipline Committee's decision was wholly unreasonable based on the facts and circumstances.

#### Process

In addition to the process outlined in the *General – All Appeals* section, in the Appeals Committee may receive into evidence any relevant evidence presented at a hearing.

#### Recommendations from Appeals Committee

The Appeals Committee may make the following recommendations as a result of an appeal:

- dismiss the Appeal and confirm the decision of the Discipline Committee; and/or
- uphold the appeal and refer the matter back to the Discipline Committee to be revisited; and/or
- uphold the appeal and refer the matter for further investigation and a new report with recommendations; and/or
- uphold the appeal and vary the decision but only where it is found that an error occurred and such error cannot be corrected by the original decision-maker for reasons of lack of clear procedure, lack of time, or lack of neutrality.

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